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5 Attorneys for Defendant ESSENTIA INSURANCE
6 COMPANY

9 UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

11 JESSIE TOM,

12 Plaintiff,

13 vs.

14 ESSENTIA INSURANCE COMPANY, and
15 DOES 1 THROUGH 25, inclusive,

16 Defendants.

Case No. 2:23-cv-02322-KJM-JDP

**STIPULATION TO REQUEST
ADDITIONAL TIME FOR DEFENDANT
TO MAKE PAYMENT TO PLAINTIFF
UNDER COURT'S DECEMBER 8, 2023
ORDER [ECF 13]; ORDER**

17 Plaintiff Jessie Tom ("Plaintiff") and Defendant Essentia Insurance Company ("Essentia")
18 (collectively "Parties"), being all of the parties to the instant action, stipulate to request as follows:

19 1. On December 8, 2023, the Court entered an Order [ECF 13] granting Plaintiff's
20 motion to remand the instant action to state court. Said Order awarded Plaintiff \$2,400, and states
21 that "Essentia must pay **within fourteen days** of the day this order is filed." [ECF 13 at 6:4
22 (emphasis in original).] On December 8, 2023, counsel for Essentia requested payment
23 information from counsel for Plaintiff, and counsel for Plaintiff provided the payment information,
24 which includes sending the payment to counsel for Plaintiff.

25 2. On December 21, 2023, counsel for Essentia advised counsel for Plaintiff that
26 Essentia "has placed the attorneys' fees in line for payment. The judge was not aware that
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1 Essentia is not able to make payments within short timeframes. Essentia will be sending its
2 payment out to you on December 26, 2023.” Counsel for Essentia further advised counsel for
3 Plaintiff: “Essentia would be willing to add interest of 10% beginning on December 22, 2023,
4 which it believes is the proper percentage of interest for this item. That would be sent via a
5 second, separate check, because the \$2,400 amount is already in process.” On December 21,
6 2023, Counsel for Plaintiff responded that he calculates interest at about \$0.67 per day, and that
7 “Assuming I receive the funds by January 2, that's only about 10 days and I am willing to waive
8 the \$6.70 interest if the check is actually placed in the mail on 12/26/23.” Counsel for Essentia
9 advises counsel for Plaintiff that she has confirmed with Essentia that the payment is scheduled to
10 be sent on December 26, 2023. To be cautious, and to avoid any need to further burden the Court,
11 Essentia respectfully requests two additional days’ time to send payment to counsel for Plaintiff.

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1 NOW, THEREFORE, the Parties stipulate to request that the Court extend the time for
2 Essentia make the payment ordered by the Court on December 8, 2023, such that Essentia shall
3 send its payment to counsel for Plaintiff on or before December 28, 2023, and that if Essentia does
4 not send payment on December 26, 2023, Essentia shall pay interest to Plaintiff at 10% per annum
5 beginning on December 22, 2023, with said interest payment to be made by separate check.

6 DATED: December 22, 2023

ANDERSON, McPHARLIN & CONNERS LLP

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8 By: /s/ Rina Carmel, Esq.

9 Rina Carmel
10 Attorneys for Defendant ESSENTIA
INSURANCE COMPANY

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12 DATED: December 22, 2023

DANIEL S. GLASS, ATTORNEY AT LAW

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14 By: /s/ Daniel S. Glass, Esq. (as authorized on
15 December 22, 2023)

16 Daniel S. Glass
Attorneys for Plaintiff JESSIE TOM

17 **IT IS SO ORDERED.**

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19 Dated: December 26, 2023.
20 Nunc pro tunc to 12/22/23

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23 CHIEF UNITED STATES DISTRICT JUDGE
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